

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Maureen W. Gornik
Acting Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

December 11, 2024

Eric Garland
2003 Park Avenue
Saint Louis, MO 63104

RE: 24-1698 Eric Garland v. Hon. Mary Schroeder, et al

Dear Eric Garland:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, no grace period for mailing is allowed. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Maureen W. Gornik
Acting Clerk of Court

BNW

Enclosure(s)

cc: David T. Ahlheim
David Q. Betz
Clerk, U.S. District Court, Eastern District of Missouri
Portia C. Kayser
Willie Thomas McGarry
Honorable Sarah E. Pitlyk
Mary L. Reitz
Brent L. Salsbury
Fola Soluade
J. Patrick Sullivan
C. Zachary Vaughn
Bailey M. Yenser

District Court/Agency Case Number(s): 4:23-cv-00064-SEP

United States Court of Appeals
For the Eighth Circuit

No. 24-1698

Eric Garland

Plaintiff - Appellant

v.

Hon. Mary Bruntrager Schroeder, in her individual capacity; Hon. John R. Lasater, in his individual capacity; David Q. Betz, Esq.; Dr. Dean L. Rosen, in his individual capacity; Dr. Anthony J. Castro; Anthony J. Stemmler, in his individual capacity; Joan M. Gilmer, in her individual capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 11, 2024
Filed: December 11, 2024
[Unpublished]

Before SHEPHERD, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Eric Garland appeals the district court's¹ dismissal of his pro se civil rights action involving state child custody proceedings and denial of his first motion for leave to file an amended complaint.² Having carefully reviewed the record and the parties' arguments on appeal, we affirm. See Duffner v. City of St. Peters, 930 F.3d 973, 976 (8th Cir. 2019) ("We may affirm on any ground supported by the record."); Knutson v. City of Fargo, 600 F.3d 992, 995 (8th Cir. 2010) (legal conclusions regarding district court's subject matter jurisdiction are reviewed de novo); Amrine v. Brooks, 522 F.3d 823, 833 (8th Cir. 2008) (review of denial of motion for leave to file amended complaint is for abuse of discretion, but futility finding is reviewed de novo). Because the district court had jurisdiction to review this matter, we modify the dismissal to be with prejudice. See 8th Cir. R. 47B.

¹The Honorable Sarah E. Pitlyk, United States District Judge for the Eastern District of Missouri.

²As Garland does not address the denial of his second motion for leave to file an amended complaint, any arguments regarding the denial are waived. See Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013) (claims not briefed on appeal are waived).